

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**KEVIN ROWAN,  
RESPONDENT  
vs.**

**COVES NORTH HOMES ASSOCIATION,  
APPELLANT**

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DOCKET NUMBER WD76265

DATE: APRIL 8, 2014

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Appeal from:

The Circuit Court of Platte County, Missouri  
The Honorable James W. Van Amburg, Judge

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Appellate Judges:

Division Three: Anthony Rex Gabbert, Presiding Judge, Victor C. Howard , Judge and Thomas  
H. Newton, Judge

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Attorneys:

Robert J. Megraw, for Respondent

Lyle L. Odo, for Appellant

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**KEVIN ROWAN, RESPONDENT**

**v.**

**COVES NORTH HOMES ASSOCIATION, APPELLANT**

WD76265

Platte County, Missouri

Before Division Three: Anthony Rex Gabbert, Presiding Judge, Victor C. Howard, Judge and Thomas H. Newton, Judge

Coves North Homes Association, Inc. (Association) appeals the trial court's judgment in favor of Kevin Rowan after a trial de novo on Mr. Rowan's claim against the Association for breach of covenant for failing to repair his townhouse deck. It contends that the trial court erred in entering judgment in favor of Mr. Rowan because the Declaration of Covenants contained no provision requiring it to maintain or repair Mr. Rowan's deck. The judgment is reversed.

**REVERSED.**

**Division Three Holds:**

The trial court erred in ruling that the Association has a duty under the Declaration to maintain and repair Mr. Rowan's deck. The Declaration limits the Association's obligation to provide exterior maintenance to townhouses to "paint, repair, replace and care for roofs, gutters, downspouts and exterior building surfaces including the pointing of brick," and a deck is not a roof, gutter, downspout or exterior building surface under the plain and ordinary meaning of those terms.

**Opinion by: Victor C. Howard, Judge**

Date: April 8, 2014

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